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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,609	03/23/2001	Jun Itoh	FUJH 18.454	7200

7590 01/07/2005
Helfgott & Karas, P.C.
Suite 6024
350 Fifth Avenue
Nork York, NY 10118

EXAMINER

GREY, CHRISTOPHER

ART UNIT PAPER NUMBER

2667

DATE MAILED: 01/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

TECHNOLOGY CENTER 2800

JAN 26 2005

INVENTOR

Office Action Summary

Applicant No.

09/815,609

Applicant(s)

ITOH, JUN

Examiner

Christopher P Grey

Art Unit

2667

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 1 and 2 are objected to because of the following informalities:

Transmitting is incorrectly spelt in the first line of claims 1 and 2.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feuerstraeter et al. (US 6285659) in view of Kim (US 5519689)

Claim 1 Feuerstraeter et al. (Feuerstraeter 'hereinafter') discloses a negotiation logic and protocol controller for selecting/negotiating (correcting) an appropriate protocol for the connection of two network devices (subscribers). Feuerstraeter discloses establishing a difference in speed (quality of service) in order to negotiate a connecting protocol (Col 4 line 62- Col 5 line 4 and Col 5 line 56- Col 6 line 14 and Col 6 lines 56- Col 7 line 5). Feuerstraeter discloses an indication of error (control information) being sent to the protocol controller (Col 8 lines 46-55). Feuerstraeter does not disclose performing connection admission control and usage parameter control. Feuerstraeter also does not disclose transmitting quality control information to the terminating subscriber.

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Kim discloses a user network interface apparatus performing connection admission control and usage parameter control (Col 4 lines 40-45) based on quality of service (Col 5 lines 23-37). Kim also discloses generating a bandwidth (quality of service) control signal to the terminating user (Col 5 lines 38-61 and Col 12 line 61- Col 13 line 44).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the negotiation logic and protocol controller of Feuerstraeter with the connection control unit and traffic control unit (Col 5 lines 23-62) disclosed by Kim. The motivation for this modification is to provide a more efficient means of traffic control and effectively connect subscribers requiring various services (Col 4 lines 22-38).

Claim 2 Feuerstraeter discloses a number of protocols being supported (predetermined) by each link (Col 8 lines 46-55) and re-negotiation taking place to achieve a lower rate protocol (Col 6 line 56- Col 7 line 5). The motivation is the same as that for claim 1.

Claim 3 Feuerstraeter discloses a first device (subscriber) sending a first protocol to a negotiator connected to a protocol controller, and a second protocol being selected (mapped) corresponding to a second device (Col 4 line 62- Col 5 line 4 and Col 5 line 56- Col 6 line 14 and Col 6 lines 56- Col 7 line 5). One skilled in the art can appreciate the second protocol being an interoffice protocol or a terminating subscriber protocol. One skilled in the art can also appreciate the second protocol being further mapped to a terminating subscriber. However, Feuerstraeter does not specifically disclose an interoffice protocol.

Kim discloses an ATM exchange which one skilled in the art can appreciate having a separate protocol (adaptation layer protocol) from original and terminating subscriber protocol (Col 4 lines 52-55 and Col 2 lines 5-34).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the negotiator and protocol controller (mapping) disclosed by Feuerstraeter with the ATM switching disclosed by Kim. The motivation for this modification is to achieve a more efficient means of traffic control and effectively connect subscribers requiring various services (Col 4 lines 22-38).

Claim 4 Feuerstraeter discloses a negotiation logic and protocol controller for selecting/negotiating (correcting) an appropriate protocol for the connection of two network devices (subscribers). Feuerstraeter discloses establishing a difference in speed (quality of service) in order to negotiate a connecting protocol (Col 4 line 62- Col 5 line 4 and Col 5 line 56- Col 6 line 14 and Col 6 lines 56- Col 7 line 5). Feuerstraeter discloses an indication of error (control information) being sent to the protocol controller (Col 8 lines 46-55). One skilled in the art can appreciate a controller and a logic containing a database, but Feuerstraeter does not specifically disclose a database, and furthermore, Feuerstraeter does not disclose connection admission control and usage parameter control and transmitting the quality control information to the terminating subscriber.

Kim discloses a number of databases, including a multi-rule database (element 50 in Fig 5 and Col 10 line 44- Col 11 line 5). Kim discloses a user network interface apparatus performing connection admission control and usage parameter control (Col 4

lines 40-45) based on quality of service (Col 5 lines 23-37). Kim also discloses generating a bandwidth (quality of service) control signal to the terminating user (Col 5 lines 38-61 and Col 12 line 61- Col 13 line 44).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the negotiation logic and protocol controller of Feuerstraeter with the connection control unit and traffic control unit (Col 5 lines 23-62) disclosed by Kim. The motivation for this modification is to provide a more efficient means of traffic control and effectively connect subscribers requiring various services (Col 4 lines 22-38).

Claim 5 Feuerstraeter discloses a number of protocols being supported (predetermined) by each link (Col 8 lines 46-55) and re-negotiation taking place to achieve a lower rate protocol (Col 6 line 56- Col 7 line 5). The motivation is the same as that for claim 4.

Claim 6 Feuerstraeter discloses a first device (ATM switching system) sending a first protocol to a negotiator connected to a protocol controller, and a second protocol being selected (mapped) corresponding to a second device (Col 4 line 62- Col 5 line 4 and Col 5 line 56- Col 6 line 14 and Col 6 lines 56- Col 7 line 5). One skilled in the art can appreciate the second protocol being an interoffice protocol or a terminating subscriber protocol. One skilled in the art can also appreciate the second protocol being further mapped to a terminating subscriber. However, Feuerstraeter does not specifically disclose an interoffice protocol.

Kim discloses an ATM exchange which one skilled in the art can appreciate having a separate protocol (adaptation layer protocol) from original and terminating subscriber (Col 4 lines 52-55 and Col 2 lines 5-34).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the negotiator and protocol controller (mapping) disclosed by Feuerstraeter with the ATM switching disclosed by Kim. The motivation for this modification is to achieve a more efficient means of traffic control and effectively connect subscribers requiring various services (Col 4 lines 22-38).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(a) Drake et al. (US 6094687) discloses an ATM network that joins two nodes (subscribers). Drake et al. discloses a profile table within the ATM network that contains quality of service information about both nodes, and assists in establishing a connection.

(b) Yamada et al. (US 6415313) discloses a system for deciding the communication quality between two network end systems based on protocol information and quality of service.

(c) Rajifu et al. (JP app no. 06163510) discloses a controller for providing use parameter control over an ATM network, and for holding a desired service of quality level over an expected service range.


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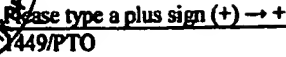
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher P Grey whose telephone number is (571)272-3160. The examiner can normally be reached on 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (571)272-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher Grey
Examiner
Art Unit 2667


AFSAR QURESHI
PRIMARY EXAMINER
12/30/04



**U.S. Department of Commerce
Patent and Trademark Office**

Application No.	: 09/815,609
Filing Date	: March 23, 2001
First Named Inventor	: Jun Itoh
Group Art Unit	:
Examiner Name	:
Attorney Docket No.	: FUJH 18.454

Sheet 1 of 3

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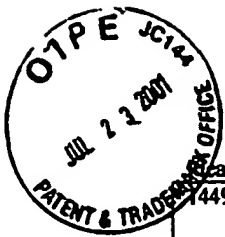
Application No. : 09/815,609
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Group Art Unit :
Examiner Name :
Attorney Docket No. : FUJH 18.454

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Sheet 2 of 3

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), data, page(s), volume-issue number(s), publisher, country, where published, source.	Applicant check here if English language translation attachedT
CPG		Kinzaburo Yoshie et al., "A Study of Addition of New Protocol of Packet Switched Network (in Japanese)", 1983 General Meeting of the Institute of Electronics and Communication Engineers of Japan, 5 March 1983, The Institute of Electronics and Communication Engineers of Japan 1710.	
CPG		Takaaki Fukuda et al., "Method of Constructing File when New Service is added in Packet Exchange (in Japanese)", 1986 General Meeting of the Institute of Electronics and Communication Engineers of Japan, 5 March 1986, The Institute of Electronics and Communication Engineers of Japan 1965. 2	
CPG		Takumi Oba et al., "Trend and Problem of Standardization of ATM Network Signal System (in Japanese)", IEICE Technical Report, 20 August 1996, IEICE SSE96-58. 3	
CPG		Mitsufumi Yotsumiya et al., "Problem to be Studied of Quality of B-ISDN and Trend of Standardization (in Japanese)", The Transaction of IEICE, Vol. J-80-B-I, No. 6, 25 June 1997, IEICE, p. 305-312. 4	
CPG		Mitsufumi Yotsumiya et al., "Problem to be Studied of Quality of Service of B-ISwDN and Trend of Standardization (in Japanese)", NTT R&D Vol. 47 No. 2, 10 February 1998, p. 183-193, The Telecommunications Association. 5	
CPG		UNIX Magazine (11.97), p.25-38, NETWORK TECHNOLOGY 2 Yoichi Haguchi, "ATM: UNI Signaling (in Japanese). 6	



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U.S. Department of Commerce
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Application No. : 09/815,609
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Group Art Unit :
Examiner Name :
Attorney Docket No. : FUJH 18.454

**INFORMATION DISCLOSURE STATEMENT
BY APPLICANT**

Sheet 3 of 3

Koichi Takenchi et al., "An Examination of Method of Supporting New Protocol for Internetwork Connection of Packet Networks (in Japanese)", 1984 General Meeting of the Institute of Electronics and Communication Engineers of Japan, 5 March 1984, The Institute of Electronics and Communication Engineers of Japan 1928. 7

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Examiner Signature	<i>C. Itoh</i>	Date Considered	12/28/04	Technology Center 2600
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Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw a line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that Issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.1⁶ if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

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Notice of References Cited	Application/Control No. 09/815,609	Applicant(s)/Patent Under Reexamination ITOH, JUN	
	Examiner Christopher P Grey	Art Unit 2667	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,285,659	09-2001	Feuerstraeter et al.	370/244
	B	US-5,519,689	05-1996	Kim, Young-II	370/232
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

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	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
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	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

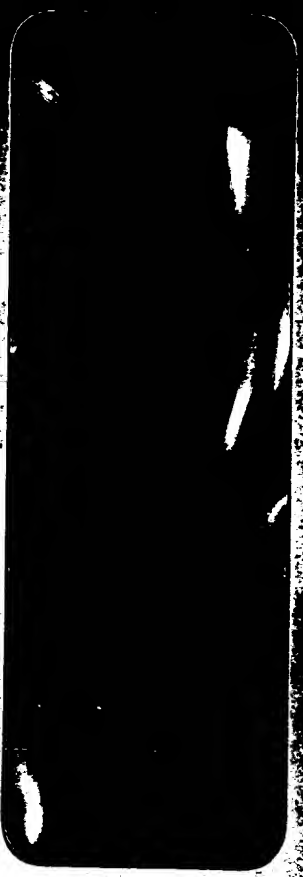
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